

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LOUIS ROUSSET

Pro Se Plaintiff,

v.

YAHOO INC., *et al.*,

Defendant.

Civil Action No. 1:14-cv-00843-LY

Hon. Lee Yeakel

**DEFENDANT YAHOO INC.'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO
DISMISS AMENDED COMPLAINT**

Defendant Yahoo Inc. ("Yahoo") hereby submits this Reply Brief in support of its Motion to Dismiss the Amended Complaint and shows the Court as follows:

As required by Order dated December 23, 2014, Defendant Yahoo filed its motion to dismiss Plaintiff's Amended Complaint on January 16, 2015. ECF No. 39. Pursuant to Local Rule CV-7, Plaintiff's response to Yahoo's motion to dismiss was due on January 30, 2015. That date has come and gone, now by a week,¹ and Plaintiff has neither filed a response nor sought additional time to do so. That he was required to comply with this Court's deadlines absent permission otherwise could not have been lost upon Plaintiff. On December 9, 2014, Plaintiff filed a motion prospectively seeking additional time to respond to future motions. ECF No. 23. This Court denied that motion, stating that any such motion was premature. *See* ECF No. 37.²

Pursuant to Local Rule CV-7, which states that the Court may grant a dispositive motion

¹ Had Plaintiff timely filed a response, Yahoo's reply would be due today.

² Although Plaintiff is proceeding pro se, he must still abide by Court rules, and he has been warned of this by the Court. ECF No. 22 (citing *Douglass v. United Services Auto. Ass'n*, 65 F.3d 452, 455 n.4 (5th Cir. 1995)).

as unopposed if a party fails to timely respond,³ and for the reasons argued in Yahoo's Motion to Dismiss, this Court should dismiss his action with prejudice.

This 6th day of February, 2015.

/s/ Robert F. Huff

Robert F. Huff (Illinois Bar No. 6225211)

Pro Hac Vice Application Pending

ZWILLGEN PLLC

300 N LaSalle Street, Suite 4925

Chicago, IL 60654

Phone: (312) 685-2278

Fax: (202) 706 5298 bart@zwillgen.com

/s/ W. Reid Wittliff

W. Reid Wittliff (Texas Bar No. 00791951)

Wittliff | Cutter PLLC

1803 West Avenue

Austin, Texas 78701 (512) 874-6102

reid@wittliffcutter.com

Counsel for Defendant Yahoo, Inc.

³ "A response to a dispositive motion shall be filed not later than 14 days after the filing of the motion . . . If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed." W.D. Tex. L.R. CV-7(e)(2).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 6th day of February 2015. This document and accompanying papers filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 6, 2015.

By: /s/ Robert F. Huff
Robert F. Huff